

Remarks

Applicants filed an RCE on July 14, 2007 and requested suspension of prosecution. Applicants hereby amend the claims to make their comparative showing commensurate in scope with the claims. The claims are now limited to a hydrolyzed, silane-modified vinyl acetate/methylvinyl acetate copolymer, which is the subject of the Example and Comparative Example.

In the Decision on Appeal of the application, the Board did not fault the value of Applicants' comparative showing as patentably distinguishing over the references, but rather objected to the showing as not being commensurate with the scope of the claims, even claims 2 and 3 which individually specify vinyl acetate as the principle monomer (claim 2), thus allowing in this claim any 1-alkylvinyl ester; and 1-methylvinyl acetate as the 1-alkylvinyl ester (claim 3), thus allowing in this claim any vinyl ester as the principle monomer.

The claims as amended specify both these monomers, and the claims are now thus commensurate with the comparative showing. The Board also commented that the comparative polymer was not identified. This polymer is Kuraray Poval® R-1130, a hydrolyzed copolymer of vinyl acetate and trimethoxysilane corresponding to *Maruyama* Example 1 (U.S. 4,617,239 is assigned to Kuraray). Thus, the Examples and Comparative Examples are valid side-by-side comparisons.


Claim 1 has been amended to recite that the polymer "consist essentially of" units derived from the enumerated monomers, and thus only very minor amounts of any other monomers are tolerated. Claim 5 has been amended to recite preferred unsaturated silanes, support on page 6, last paragraph of the application. Claim 17 has been amended similarly to claim 1, but using the "consisting of" transitional phrase.

Applicants submit that the claims are now patentable over the prior art, and to this extent incorporate their prior response in its entirety. Early favorable consideration is respectfully requested.

Please charge any fees or credit any overpayments as a result of the filing of this paper to our Deposit Account No. 02-3978.

Respectfully submitted,

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